

Remarks

Claims 1, 69-71 and 73-89 are pending. Claims 70, 71, 77, 78 and 83-89 are under consideration. Claims 1 and 71 are canceled herein without prejudice. Claims 69, 73-76 and 79-82 have been withdrawn as drawn to non-elected inventions. Claims 70 and 77 are amended herein to more clearly define the invention. Claims 83-89 are allowed. In light of the following amendments and remarks, applicants respectfully request entry of these amendments and allowance of claims 70, 77 and 78, in addition to currently allowed claims 83-89.

Specification Objections

The specification is objected to because of typographical errors in the paragraph beginning on line 5 of page 13. Applicants herein correct the inadvertent typographical errors, thereby overcoming this objection. Thus, applicants request that this objection be withdrawn.

Claim Objections

Claim 71 is objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 71 is canceled herein, thereby rendering this objection moot. Thus, applicants request that this objection be withdrawn.

35 U.S.C. § 112, second paragraph

Claims 70, 71, 77 and 78 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Office Action states that claim 70 (representative of claims 71, 77 and 78) reads on a peptide comprising an antigenic determinant selected from SEQ ID NO:39 or 42-48, wherein the peptide has an amino acid sequence selected from the group of SEQ ID NOs:11-72. The Office goes on to state that claim 70 specifies that the peptide have a sequence from one group of peptides and then further specifies that the

peptide be selected from a larger group of sequences. The Office states that it is unclear what requirements applicants intend the claimed peptide to meet. The Office suggests deleting the phrase "wherein the antigenic peptide has an amino acid sequence selected from the group consisting of SEQ ID NOs:11-72" in order to overcome these rejections.

Claims 70 and 77 are amended herein according to the Office's suggestion. Applicants believe these rejections are overcome and respectfully request that these rejections be withdrawn and that amended claims 70 and 77, and dependent claim 78 be allowed.

Claim 71 is canceled herein without prejudice, thereby rendering this rejection moot. Thus, applicants request that this rejection be withdrawn.

35 U.S.C. § 112, first paragraph

Claim 71 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claim 71 is canceled herein without prejudice, thereby rendering this rejection moot. Thus, applicants request that this rejection be withdrawn.

Allowed claims

Claims 83-89 are allowed. Applicants, therefore, request that claims 83-89 be allowed to issue.

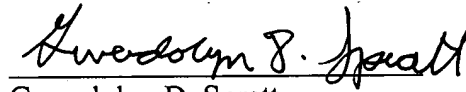
Pursuant to the above amendments and remarks, reconsideration and allowance of the pending application are believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

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APPLICATION NO. 09/171,432

No fee is believed to be due; however, the Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

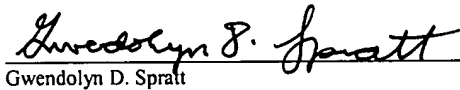


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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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Gwendolyn D. Spratt

2-26-04
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